

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

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LIMELIGHT NETWORKS, INC.,

Plaintiff and Counterclaim  
Defendant,

v.

XO COMMUNICATIONS, LLC.,

Defendant,

AKAMAI TECHNOLOGIES, INC.

Defendant and Counterclaim  
Plaintiff,

MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY,

Counterclaim Plaintiff.

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Case No. 3:15-cv-720-JAG

**JURY TRIAL DEMANDED**

**AKAMAI TECHNOLOGIES, INC.'S RESPONSIVE EXHIBIT LIST**

Pursuant to Federal Rule of Civil Procedure 26(a)(3), the Patent Case Initial Pretrial Order (Dkt. No. 55), and the November 22, 2016 Order setting case deadlines (Dkt. No. 247), Defendant and Counterclaim Plaintiff Akamai Technologies, Inc. ("Akamai") offers its responsive proposed list of exhibits it may use at trial, attached as Exhibit A.

Akamai's responsive exhibit list is designed to comply with the Court's Orders, Local Rules, and the parties' agreements, and to preserve Akamai's rights, based on the present status of the case. That Akamai has listed an exhibit on its responsive exhibit list does not waive Akamai's right to object to certain categories of evidence as being irrelevant or otherwise inadmissible. The parties will exchange objections and present to the Court disputes regarding

the issues and evidence to be presented to the jury and the relevance and admissibility of certain testimony and exhibits. Until the Court addresses and rules on such disputes, Akamai reserves the right to make final decisions regarding what witnesses to call and what exhibits to proffer. The listing of a trial exhibit on Akamai's responsive proposed trial exhibit list does not represent or otherwise require that Akamai introduce that exhibit and does not waive Akamai's right to object to the use or admission of that exhibit by Plaintiff and Counterclaim Defendant Limelight Networks, Inc. ("Limelight").

The descriptions of the exhibits are provided herein for the convenience of the parties only, and are not intended to be an admission as to the scope or substance of the content therein. Any dates provided with respect to an exhibit are strictly for convenience of the parties and do not constitute an admission that the document contained in said exhibit was published, generated, or otherwise made available on that date.

Akamai reserves the right to use, and incorporates herein, (i) any additional exhibits, if necessary, in rebuttal to exhibits or testimony offered by Limelight or for cross examination or impeachment purposes; (ii) any exhibit designated by Limelight; (iii) any document that becomes available on or after December 7, 2016; (iv) a substantially similar version of any exhibit set forth below from a different source or party's files; and (v) any enlargement, electronic version, or original of any exhibit. Akamai reserves the right to add translations of any foreign language (*i.e.*, non-English) exhibits listed herein to the exhibit list. Akamai reserves the right to remove exhibits from the list based on the outcomes of the pending motions in limine. Akamai reserves the right to use demonstrative exhibits at the trial, disclosed according to the schedule and procedure agreed to by the parties (Dkt. No. 247). Finally, Akamai reserves the right to supplement, amend, or correct this responsive proposed exhibit list, including by

providing better copies of exhibits, should such be required or advisable.

Date: December 7, 2016

AKAMAI TECHNOLOGIES, INC.

By /s/ Laura Anne Kuykendall  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 7<sup>th</sup> day of December, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which then will send automatic notification of such filing (NEF) to the following:

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